

106 KAR 1:121. Kentucky Emergency Response Commission fee account grant distribution formula.

RELATES TO: KRS 39E.050, 42 U.S.C. 11000, et seq.

STATUTORY AUTHORITY: KRS 39E.040(3), (6), 39E.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39E.040(3) requires the Kentucky Emergency Response Commission to develop reporting requirements and procedures for individuals, businesses, and governmental agencies that manufacture, use, store, or transport hazardous substances. KRS 39E.040(6) requires the commission to recommend administrative regulations to the director for issuance by the Division of Emergency Management to implement KRS Chapter 39E. This administrative regulation establishes administrative support and the grant distribution formula to be used in awarding grants for funds generated by KRS 39E.050.

Section 1. Local Emergency Planning Committee Grant Distribution Formula. (1) At least fifty (50) percent of funds collected annually pursuant to KRS 39E.050 shall be awarded to eligible local emergency planning committees that submit grant requests for administration, development, and implementation of the Kentucky Emergency Planning and Community Right-to-Know Program, known as SARA Title III (Superfund Amendments and Reauthorization Act of 1986), 42 U.S.C. 11001, et seq., within the guidelines mandated by 42 U.S.C. 11001(a), (b), and (c), Section 301, and KRS 39E.050.

(2) The grant distribution formula to determine how much money will be available to each local emergency planning committee shall be:

(a) Ten (10) percent of the total amount (A) collected by March 1 divided by all eligible local emergency planning committees.

$$\frac{.1(A)}{\text{Eligible Local Emergency Planning Committees}}$$

$$\text{Hypothetical example : } \frac{.1(200,000)}{120} = \$167$$

(b) Plus twenty (20) percent of the total amount (A) collected statewide times the ratio of Kentucky Emergency Response Commission - required and approved EHS Facility Emergency Response Plans (Qc) in the county to the total Kentucky Emergency Response Commission - approved (Qs) in the state.

$$.2(A) \frac{Qc}{Qs}$$

$$\text{Hypothetical example : } .2(200,000) \frac{13}{1,000} = \$520$$

(c) Plus twenty (20) percent of the total amount (A) collected statewide times the ratio of Tiers (Tc) in the county to the total number of Tiers (Ts) in the state.

$$.2(a) \frac{Tc}{Ts}$$

$$\text{Hypothetical example : } .2(200,000) \frac{30}{1,000} = \$1200$$

(3) The grant (Gr) distribution formula to determine how much money an eligible local emergency planning committee that submits a grant request form may receive is:

$$Gr = \frac{.1(A)}{\text{Total eligible LEPCs}} + .2(A)Qc + .2(A) \frac{Tc}{Ts}$$

Section 2. Notice of Amount of Availability of Funds to Each Local Emergency Planning Committee. (1) No later than May 1 each year, the Kentucky Emergency Response Commission shall notify the local emergency planning committees how much money will be available to each eligible local emergency planning committee that submits a grant request form. This amount shall be based upon the total amount of funds available in the Kentucky Emergency Response Commission fee account divided pursuant to Section 1 of this administrative regulation.

(2) Notification of money available shall not be construed as an automatic grant award to a local emergency planning committee. Each local emergency planning committee who wants an award shall submit a grant request form in accordance with 106 KAR 1:091.

Section 3. State Agency Grant Distribution. No more than fifty (50) percent of funds collected annually by KRS 39E.050 shall be allocated by the Kentucky Emergency Response Commission to state agencies other than local emergency planning committees that submit grant requests for administration, development, and implementation of the Kentucky Emergency Planning and Community Right-to-Know program, known as SARA Title III (as amended through Pub.L. 107-377, December 31, 2002), and KRS 39E.050.

Section 4. Availability of Additional Funds. The Kentucky Emergency Response Commission may set a date and notify all local emergency planning committees and state agencies of the availability of additional funds collected after March 1 or that were returned to the commission during the year. Any additional funds shall be distributed in accordance with Sections 1(1) and 3 of this administrative regulation.

Section 5. Administrative support required by KRS 39E.050 shall be provided by the Kentucky Division of Emergency Management. (18 Ky.R. 1720; Am. 2329; eff. 1-27-1992; 43 Ky.R. 1232, 1525; eff. 3-31-2017.)